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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,512	10/09/2001	Toru Mineyama	09812.0172-00000	6341
22852 7590 07/23/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/973,512	Applicant(s) MINEYAMA ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2-8 and 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I consisting of Claims 1 and 9 in the reply filed on April 26, 2007 is acknowledged. Thus, Claims 2-8, and 10-16 are withdrawn from further prosecution.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on October 10, 2000. It is noted, however, that applicant has not filed a certified copy of the Japan 2000-309796 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard (U.S. Patent Number: 5,404,393) in view of Bull et al. (U.S. Patent Number: 5,995,943)

Claims 1: Remillard discloses a server operational expenses collecting method for a server which transmits via the Internet an electronic program guide to a terminal apparatus operated by a user, said server:

- a. Generating customer analysis information on the basis of personal information of said user inputted from said terminal apparatus and program viewing log information about a program viewed by said user on said terminal apparatus. (Col 2, lines 6-24; Col 2, lines 44-62; Col 4, line 57 through Col 5, line 6; Col 5, line 55 through Col 6, line 21)
- b. Generating a second electronic program guide by reorganizing a first electronic program guide in accordance with the preference of said user on the basis of the generated customer analysis information. (Col 2, line 46 through Col 3, line 20; Col 5, line 55 through Col 6, line 21; and Col 7, lines 35-63)
- c. Providing said generated customer analysis information to an advertiser who practices an advertising campaign to said terminal apparatus. (Col 6, lines 9-21)

While Remillard does not specifically state that it collects expenses in a predetermined amount for the provision of customer analysis information from the advertiser, the analogous art of Bull et al. (U.S. Patent Number: 5,995,943) teaches that it is well known to charge advertisers for providing them with such information

(Col 5, line 59 through Col 6, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the customer analysis information to the advertiser for a fee. One would have been motivated to do so in order to generate a revenue stream that helps to offset the cost of monitoring and gathering such information.

Claim 9: Remillard discloses a server operational expenses collecting apparatus for a server which transmits via the Internet an electronic program guide to a terminal apparatus operated by a user, said server:

- a. Generating customer analysis information on the basis of personal information of said user inputted from said terminal apparatus and program viewing log information about a program viewed by said user on said terminal apparatus.  
(Col 2, lines 6-24; Col 2, lines 44-62; Col 4, line 57 through Col 5, line 6; Col 5, line 55 through Col 6, line 21)
- b. Generating a second electronic program guide by reorganizing a first electronic program guide in accordance with the preference of said user on the basis of the generated customer analysis information. (Col 2, line 46 through Col 3, line 20; Col 5, line 55 through Col 6, line 21; and Col 7, lines 35-63)
- c. Providing said generated customer analysis information to an advertiser who practices an advertising campaign to said terminal apparatus. (Col 6, lines 9-21)

While Remillard does not specifically state that it collects expenses in a predetermined amount for the provision of customer analysis information from the

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advertiser, the analogous art of Bull et al. (U.S. Patent Number: 5,995,943) teaches that it is well known to charge advertisers for providing them with such information (Col 5, line 59 through Col 6, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the customer analysis information to the advertiser for a fee. One would have been motivated to do so in order to generate a revenue stream that helps to offset the cost of monitoring and gathering such information.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*g/b*  
jvb



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